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C O N F I D E N T I A L SECTION 01 OF 02 GUATEMALA 000369

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SUBJECT: AMBASSADOR,S MEETING WITH FOREIGN MINISTER
GUTIERREZ

Classified By: AMB JOHN R. HAMILTON FOR REASONS 1.5 (B) AND (D).

1. (C) Summary: Over lunch at the residence February 10, the Ambassador gave FM Gutierrez a heads up that we are actively working on specific benchmarks for re-certification; pressed him on Article 98, extradition, Belize-Guatemala, election observation, the proposal to investigate clandestine groups, and delays in the Mediterranean fruit fly program (Moscamed). Gutierrez was generally forthcoming in most areas; whether he can bring his government along remains to be seen. End summary.

Belize-Guatemala:

2. (C) DCM accompanied the Ambassador; Gutierrez came alone. He had just returned from Washington, where he had signed a protocol for continuing a regime of confidence building measures with his Belizean counterpart, Assad Shoman, with OAS Secretary General Gaviria and Deputy SecGen Einaudi looking on. Einaudi had been critical in getting the Belizeans to closure, Gutierrez said. He felt that he would be able to develop a good relationship with Shoman, whom he intended to visit in Belize after the March elections there. He is also taking a proposal to Panama (for the Central American summit with Colombia) to include Belize in certain Central American integration activities. He was not (at all) encouraging about post-November, Guatemalan election interest in the facilitators, recommendations, voicing again what we have heard here, that it would have been easier for Guatemala to accept the results of international arbitration than the facilitators, recommendations. He in effect shrugged when the Ambassador pointed out that the recommendations had in fact been negotiated with the MFA (under his predecessor, Gabriel Orellana) and that the Guatemalans discovered the defects in process pretty late in the game. He suggested that Orellana had failed to keep the government informed, had not consulted the Council of Belize (of notables, set up under the Arzu government to advise on matters Belizean) and that Vice President Reyes Lopez had been horrified when he saw what Orellana had agreed to.

OAS Resolution on Colombia Bombing:

3. (C) Gutierrez said President Uribe had phoned President Portillo over the weekend, seeking Guatemalan support for a strong OAS resolution. Briefed by Portillo, who had immediately sat down to draft a statement of support that the Central American presidents might make when they meet February 11 with Uribe in Panama, Gutierrez said he had cautioned Portillo that Guatemala needed to consider any resolution carefully, think it all the way through. He clarified, when the Ambassador asked what there is to think about when a bomb kills 32 civilians, that Guatemala will support a forceful condemnation of terrorism, but that he thinks Uribe may be after much more than that and his instincts will be to be cautious.

Narcotics:

4. (C) Gutierrez was apologetic that President Portillo had surfaced, in the press this morning and in a tendentious manner, a proposal that he had intended to broach at the lunch, namely that the U.S. engage Guatemala in a much more robust program of port security. Portillo had said that the GOG would be proposing, through the Ambassador, that the U.S. take over and run the ports, "with Guatemalan authorities" (the only caveat), and "we'll see then if drug control is any better." The Ambassador said we will be continuing our technical assistance on port security but that running foreign ports is not in our portfolio. If the GOG wants to think in ambitious terms, however, it might consider putting out for bid a long-term concession to run the ports, both in the interest of overall efficiency and good management and in the interest of narcotics control. Gutierrez returned to the subject at the end of the lunch, saying he would raise it with Portillo.

5. (C) The Ambassador advised that the Washington inter-agency community is engaged in developing benchmarks for re-certification and that he hoped to have them in hand before the Embassy's next ministerial level meeting with his government, February 21.

¶6. (C) Guatemala has contracted the Greenberg-Taurig law firm, of Washington, which has hired former WHA Assistant Secretary Peter Romero, to assist it on re-certification.

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(The Ambassador met with Greenberg Taurig attorney Ruth Espey-Romero and Romero on February 7, outlining what we see as the problem areas; Romero out-briefed the Ambassador February 10 on his meetings with the government, saying that he had emphasized only a strong anti-drug performance would sell in Washington.

Extradition:

¶7. (C) Gutierrez claimed that the presidential authorization in the Castillo extradition is only one or two signatures away from being complete. He reluctantly agreed to provide us a copy of it when we questioned if the authorization would come free and clear of conditions with which we could not comply. (We suspect it does and will advise when we get it.) He warned that the authorization goes as far as Guatemala can go.

Elections:

¶8. (C) Gutierrez says that the Government will be issuing invitations to the international community in general (he mentioned EU, UN and OAS in particular) to observe Guatemala's November elections. He needs to coordinate further with Guatemala's elections tribunal before issuing the invitations, but does not anticipate problems. He hopes that elections missions could be on the ground, at least with a minimum presence, by mid-year.

Clandestine Group Commission:

¶9. (C) Gutierrez gave the Ambassador a heads up that the government of Guatemala would be asking for declassification of USG classified holdings on this subject. The Ambassador reviewed our support for the proposal but warned against a strategy of transferring responsibility for the Commission's success to the U.S. Gutierrez protested that that was not the idea; he recalled that the vast majority of information received by the Historical Clarification Commission (Truth Commission) had come from Guatemalans (victims and individual military officers), but that the little that the U.S. had provided had been valuable in cross-checking and verifying Guatemalan sources. The Ambassador said we will see how we can be helpful but left a marker that declassification was not necessarily in the cards.

¶10. (C) Gutierrez said that Peace Secretary Catalina Soberanis would be the GOG point person on the Clandestine Commission proposal. She is currently ill, however, which leaves him to work this week with Human Rights Watch executive Jose Miguel Vivanco. The government has invited Vivanco to act as a facilitator in reaching agreement on the Commission's mandate and structure. Noting that the Guatemalan human rights community had complained that the Government has not yet responded to the human rights ombudsman directly, Gutierrez said the problem was that the ombudsman launched the proposal publicly but never sent the proposal to the government. A reply to the proposal was already drafted for whenever this oversight was corrected. Gutierrez also mentioned the government's interest in not limiting the commission's mandate to the period since 1996 (note: putting some practical limits on the commission's mandate was a U.S. suggestion).

Article 98:

¶11. (C) We briefed Gutierrez extensively on the issue. He is aware of it, had assumed that Guatemalan not being a signatory to the Rome Treaty would deal with our concern and was disappointed to learn it will not. He also had not understood that the ICC can exercise jurisdiction over citizens whose state is not a treaty signatory. Upshot was that he promised to give the issue more attention.

Moscamed program:

¶12. (C) We briefed Gutierrez on problems we are having with the Ministries of Agriculture and Environment in moving ahead with this year's spraying program (whose season is determined by the biological cycle of the Med fruit fly). We also alerted him that USDA/APHIS might raise the issue with Ambassador Arenales in Washington. He offered to speak to both ministers.

Comment:

¶13. (C) This meeting covered a lot of ground. Gutierrez is an easy and responsive interlocutor who conveys a well-meaning persona. Not an FRG member, we'll see how much influence he has within this FRG government.

